

REMARKS

By this amendment, claims 1-15, 17, 21-23, 27-30 and 32-36, 40 and 41 are pending, in which no claims are canceled, withdrawn from consideration, currently amended, and claims or newly presented. Claims 16, 18-20, 24-26 and 31 were previously canceled, and claims 37-39 were previously withdrawn from consideration.

The Office Action mailed July 24, 2006 rejected claims 1-4, 7-26 and 35-36 as obvious under 35 U.S.C. § 103 based on *Liljestrand et al.* (US 6,853,714) in view of *Bednarek et al.* (US 6,965,868), claims 5 and 6 as obvious under 35 U.S.C. § 103 based on *Liljestrand et al.* in view of *Bednarek et al.* and in further view of *Guidice et al.* (US 6,463,420), claims 27-30 and 32-34 as obvious under 35 U.S.C. § 103 based on *Liljestrand et al.* in view of *Bednarek et al.* and in further view of *Sridhar et al.* (US 6,098,108), and claims 40 and 41 as obvious under 35 U.S.C. § 103 based on *Liljestrand et al.* in view of *Bansal* (US 6,788,949).

Applicants respectfully traverse the several rejections, as the applied references, alone or in combination, fail to disclose all the claimed features.

For example, claim 1 states (Emphasis Added):

1. A computer-implemented method for procuring telecommunications offerings, comprising:

receiving a procurement inquiry from a customer application, the procurement inquiry specifying a selected telecommunications offering from a plurality of offerings including voice service, data access service and mobile telecommunications service;

providing an option for accessing a network consultant via instant messaging;

generating procurement data in response to the procurement inquiry;

and
transmitting the procurement data to the customer application.

To satisfy these features, the Examiner applies *Liljestrand et al.*, citing numerous passages: col. 2: 44-48, col. 3: 45-59, col. 4: 46-61, col. 5: 2-3, col. 9: 20-34, abstract, col. 2: 42-

51 and col. 15: 7-45. The Examiner has not shown how the claim features are met, but simply relies on generalities disclosed within these passages in an attempt to establish a *prima face* case of obviousness. In fact, there is no discussion about any specific details within the several passages on how procurement of such services can be obtain, much less in the manner claimed. Moreover, access of these services are permitted only after that have been provisioned via the Network Operations Center 115, as explained below.

The cited passages, in pertinent part, state the following (Emphasis Added):

More specifically, the apparatus and method of the present invention is capable of **providing a plurality of enhanced telecommunications services to a subscriber by using a voice-activated interface to enable the subscriber to access at least one of the plurality of enhanced telecommunications services.** (col. 2: 42-51)

The platform 100 offers three types of service: (1) basic local service; (2) virtual office phone (basic); and (3) virtual office services (advanced). The basic local service corresponds to today's traditional local exchange offering of basic dial tone, access to long distance, and possibly a few basic Class 5 features. The virtual office phone (basic) service includes the voice-activated and web-activated interfaces, and the following features: (1) Call Waiting; (2) Call Transfer; (3) Call Forwarding; (4) Call Swapping; (5) Call Disconnect; (6) Sequential Calling; (7) Voice Dialing By Number; and (8) Redial. The virtual office service (advanced) builds on the basic local service and virtual office phone (basic) with the following advanced service features: (1) Caller I.D.; (2) Caller I.D. History; (3) Conferencing Features (On Demand, Meet Me); and (4) Contact List/Dialing by Name. (col. 4: 46-61)

The unified messaging voice mail feature provides general store and forward, reply, callback, phone or Internet (multimedia) retrieval and networking services. (col. 5: 2-3)

With reference now to FIG. 5, there is illustrated a plurality of different networks 103-105 and **subscriber equipment 150 that can interface with the ELE 130** via the PTN 102. For example, within the PTN 102, the subscriber can access the ELE 130 via a wireless phone 150 within the PLMN 102a or via a wireline phone 150 within the PSTN 102b.

As another example, the subscriber can connect to the ELE 130 via a voice over Internet Protocol (IP) network 103, using an IP phone or computer or other such device. As a further example, **the subscriber can connect to the ELE 130 via a remote access link 104 using a Personal Digital Assistant (PDA) or computer.**

As a further example, **the subscriber can connect to the ELE 130 via the Internet or World Wide Web (WEB) 105, using a computer or other device capable of connecting to the Internet/WEB 105.** (col. 9: 20-34)

Upon careful examination of the referenced passages, at best, *Liljestrand et al.* describes a capability to receive a voice command from a subscriber to access an enhanced telecommunications service. Also, the *Liljestrand et al.* system permits the subscriber to connect to the ELE 130 using a PDA or a computer. These passages describe the functionality of the ELE and subscriber equipment that can interface with the ELE. The cited passages also explain the capability of providing enhanced telecommunications services to a subscriber by using a voice-activated interface.

However, the *Liljestrand et al.* system does in fact provide for provisioning of services. Such provisioning is performed through the Network Operations Center 115. For example, *Liljestrand et al.* discloses, col. 21: 67 – col. 22: 7, which state as follows (Emphasis Added):

Each ELE 130 is also connected to a **Network Operations Center 115, which provides real-time alarms and allows for remote standard maintenance and provisioning functions.** The **enhanced network 125 is also connected to multiple Internet Service Providers (ISPs) 112a-c to allow subscriber Internet/WEB 105 access to their subscriber profiles and the enhanced services via the web-activated interface.**

As evident from the above passage, the enhanced network 125 is accessed after provisioning; otherwise, the subscriber profiles and enhanced services would not have been configured.

Furthermore, assuming, *arguendo*, that the PDA or computer can be equated to the claimed customer application, nowhere within these passages is there any mention of generating the claimed procurement data in response to the “voice command,” much less “**transmitting the procurement data to the customer application.**”

Furthermore, the secondary references of *Bednarek et al.*, *Guidice et al.*, *Sridhar et al.*, and *Bansal* do not fill in the gaps of *Liljestrand et al.* *Bednarek et al.* is relied upon for accessing a network consultant via instant messaging (Office Action, page 4). Additionally, *Guidice et al.* is applied for a supposed teaching of shopping cart data (Office Action, page 7), while *Sridhar et al.* is applied for a customer browser and a back office browser (Office Action, page 9). *Bansal* is relied upon for a supposed disclosure of instant messaging and on-line shared white-boarding (Office Action, page 10).

Even assuming the references were properly combined based on some teaching or suggestion in the references, and assuming the modifications proposed in the Office Action were justified by additional teachings or suggestions found in the references, even the combination does not render the claimed invention obvious. Specifically, none the references taken alone, or in combination, teaches or suggests **“receiving a procurement inquiry from a customer application,” “generating procurement data in response to the procurement inquiry,” and transmitting the procurement data to the customer application.”** Accordingly, the obviousness rejection of independent claim 1 should be withdrawn.

Independent 35, which recites “means for receiving a procurement inquiry from a customer application,” “means for receiving a procurement inquiry from a customer application,” and “means for transmitting the procurement data to the customer application,” should likewise be allowable for at least the reasons proffered above for the allowability of claim 1.

As regard the rejection of independent claims 12 and 36, claim 12 recites “receiving an inquiry from a customer application, **the inquiry specifying search criteria with respect to an order** for one of a plurality of telecommunication offering including voice service, data service and mobile telecommunication service, a customer agent assigned for servicing telecommunication offering order, generating response to the service inquiry pertaining to the

search criteria; and **transmitting the response data to the customer application.**” Independent claim 36 recites “means for receiving an inquiry from a customer application, the **inquiry specifying a search criteria with respect to an order** for one of a plurality of telecommunications offerings including voice service, data access service and mobile telecommunications service, wherein a customer agent assigned for servicing a telecommunications offering order is available via instant messaging with a user of the customer application; means for generating response data in response to the inquiry and pertaining to the search criteria; and means for **transmitting the response data to the customer application.**”

The Examiner resorts to simply citing general passages describing various telecommunications offerings (as in the rejection of claim1), such an uninformative rejection contravenes 35 U.S.C. § 132, which requires the Director to “notify the applicant thereof, stating the reasons for such rejection.” This section is violated if the rejection “is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection.” *Chester v. Miller*, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity.” Furthermore, MPEP § 706.02(j) indicates that: “[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond.” In the present Office Action, the Examiner’s only discussion of the claimed features are vague references to generic descriptions (col. 2: 44-48, col. 3: 45-59, col. 4: 46-61, col. 5: 2-3, col. 9: 20-34, col. 2:42-51, col. 4:34-36, col. 16:50-64, abstract, and col. 15:7-45). Because these several passages are silent on the specific features of the claims, the Examiner has not met her burden of proof to establish a *prima facie* case of

obviousness. Accordingly, Applicants respectfully urge the indication that independent claims 12 and 36 be indicated as allowable.

With respect to independent claim 27, this claim includes the features of “a customer browser loaded on a customer client computer, the **customer browser being configured to submit a procurement inquiry** specifying a selected telecommunications offering from among a voice service offering, a data access service offering and a mobile telecommunications offering” and “a back office browser loaded on a back office client computer, the back office browser being configured to **submit a service inquiry specifying a search criteria with respect to an order for a telecommunications offering**, wherein a customer agent assigned for servicing a telecommunications offering order is available via instant messaging with the customer client computer.” In rejecting claim 27, the Examiner concludes “Liljestrand substantially disclose the claimed invention.” Applicants therefore presume that the Examiner intended to reject certain of the claim features using the general passages cited in the rejection of claim 12. As mentioned, the addition of *Bednarek et al.* and *Sridhar et al.* does not cure the deficiencies of *Liljestrand et al.* Hence, the obviousness rejection of independent claim 27 is unsustainable.

Regarding independent claim 40, this claim recites “receiving input from the customer application, the input specifying one or more selections of a plurality of telecommunication products; **determining whether the selection is valid during the provisioning; and generating an order for the selection based on the determining step.**” The Examiner refers col. 14: 13-26 of *Liljestrand et al.* for a supposed disclosure of the determining step; this passage states as follows (Emphasis Added):

If the caller initiates the sign-on process or if the ANI identifies the caller as the subscriber (based on the subscriber profile stored in the database, which is accessed by the softswitch of the platform upon receiving the ANI), the “virtual

administrator" of the voice-activated interface greets the subscriber and asks for further validation. **Subscriber sign-on for validation is performed via spoken commands, possibly using speech print technology. Once the subscriber is validated (step 820),** he/she has access to system features based on the subscriber profile (step 825). If the subscriber is not validated (e.g. in the case where another person is using one of the subscriber's phones and attempting to reach the subscriber), the platform treats the call as an incoming call to the subscriber (step 815).

From this passage, it is clear that the validation relates to the subscriber, not the "selection."

As for the feature of **"generating an order for the selection based on the determining step,"** the Examiner cites col. 8: 44-47, which states the following (Emphasis Added):

Besides servicing existing subscribers, the **web-activated interface 155 is also capable of automatically creating new accounts** for customers that want to sign up for services.


This passage does not relate to any order, much less the claimed order. Rather, the passage describes a capability to create a new account, not a new order. Accordingly, the Examiner has not established a *prima facie* case of obviousness. To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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